

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEHYON KIM,

Plaintiff,

v.

CAPITAL ONE NATIONAL
ASSOCIATION,

Defendant.

No. 2:20-cv-2354 TLN DB PS

ORDER

Plaintiff Sehyon Kim is proceeding in this action pro se. This matter was, therefore, referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On December 2, 2020, defendant noticed a motion to dismiss for hearing before the undersigned on January 8, 2021. (ECF No. 7.) Pursuant to Local Rule 230(c) plaintiff was to file an opposition or a statement of non-opposition to defendant's motion "not less than fourteen (14) days preceding the noticed . . . hearing date." Plaintiff, however, has failed to file a timely opposition or statement of non-opposition.

The failure of a party to comply with the Local Rules or any order of the court "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Local Rule 110. Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil Procedure, the Local Rules, and

1 all applicable law. Local Rule 183(a). Failure to comply with applicable rules and law may be
2 grounds for dismissal or any other sanction appropriate under the Local Rules. Id.

3 In light of plaintiff's pro se status, and in the interests of justice, the court will provide
4 plaintiff with an opportunity to show good cause for plaintiff's conduct along with a final
5 opportunity to oppose defendant's motion.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff show cause in writing within fourteen days of the date of this order as to why
8 this case should not be dismissed for lack of prosecution;

9 2. The January 8, 2021 hearing of defendant's motion to dismiss (ECF No. 5) is
10 continued to **Friday, February 12, 2021, at 10:00 a.m.**, at the United States District Court, 501 I
11 Street, Sacramento, California, in Courtroom No. 27, before the undersigned;

12 3. On or before **January 29, 2021**, plaintiff shall file an opposition or statement of non-
13 opposition to defendant's motion¹; and

14 4. Plaintiff is cautioned that the failure to timely comply with this order may result in the
15 recommendation that this case be dismissed.

16 DATED: January 4, 2021

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules
of Civil Procedure.